ORDINANCE NO. 2001 - 052

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **MAP SERIES, THOROUGHFARE RIGHT-OF-WAY IDENTIFICATION MAP** (TO ADD AN ASTERISK DESIGNATING LYONS ROAD, FROM ATLANTIC AVENUE TO BOYNTON BEACH BOULEVARD, AS A RURAL PARKWAY); AND **TRANSPORTATION ELEMENT** (TO ADD LYONS AS A RURAL PARKWAY); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 2, 9, 23 and March 9, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and April 10, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2001 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 29, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 27, 2001 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. **Map Series, Thoroughfare Right-of-Way Identification Map,** to add an asterisk designating Lyons Road, from Atlantic Avenue to Boynton Beach Boulevard, as a Rural Parkway;

B. **Transportation Element**, to add Lyons Road as a Rural Parkway; and

C. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the

Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 27 day of August, 2001.

ATTEST:
DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

By: _____ Deputy Clerk

By _____ Warren H. Newell, Chairman

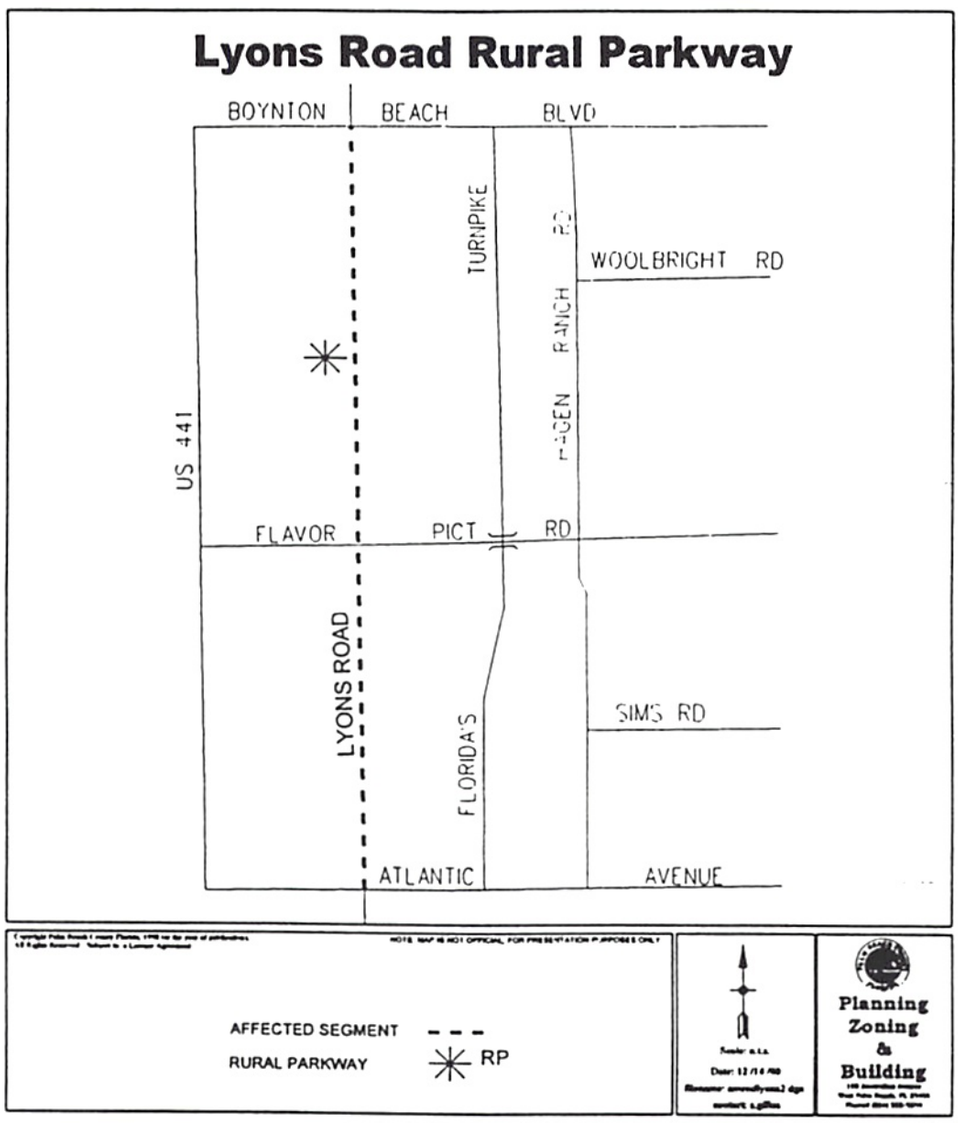
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 6th day of September, 2001

A. **Map Series, Thoroughfare Right-of-way Identification Map**, to revise with regards to Lyons Road

REVISIONS: To add an asterisk designating Lyons Road, from Atlantic Avenue to Boynton Beach Boulevard, as a Rural Parkway.



B. Transportation Element, Lyons Road Rural Parkway

REVISIONS: To add Lyons Road as a Rural Parkway. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 1.4 Roadway System

1. **REVISED Policy 1.4-q:** To protect the rural character of roadways outside of the Urban/Suburban Tier, the County hereby establishes the Rural Parkway concept. Rural Parkways shall accommodate future transportation planning needs to ensure that the cross-section and alignment of the roads preserves the rural residential lifestyle, sense of place and quality of life of the adjacent areas. For properties fronting on rural parkways, a portion of the designated Right-of-Way may be retained in private ownership provided that the property owner dedicates a parkway easement to Palm Beach County for non-vehicular pathways. Such dedications shall only be required when consistent with the criteria contained in Transportation Policy 1.4-d. The following roadway segments are hereby designated as Rural Parkways:

   - Northlake Boulevard, from Seminole Pratt-Whitney Road to the western edge of the Palm Beach Gardens Municipal Golf Course, with a 50 foot easement on each side of the road being dedicated exclusively for multipurpose paths.

   - Lyons Road, from Atlantic Avenue to Boynton Beach Boulevard, with a 100 foot easement on each side in order to accommodate multipurpose pathways. Undulating berms, no taller than five feet and landscaped with native vegetation, shall be required. No walls shall be allowed within the parkway easements.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on August 27, 2001.
DATED at West Palm Beach, FL on 9/20/01.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.